IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.4003-M of 2007
Date of Decision:- 22.1.2007

Pawan Kumar ....Petitioner(s)

through
Mr.P.R.Yadav, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Notice of motion.

Mr.Tarun Aggarwal, learned Sr.Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

Prayer in this petition is to quash order dated 28.12.2006 (Annexure P-2) passed by the Director General of Prisons, Haryana whereby parole for agricultural operations has been denied to the petitioner on the ground that as per the jamabandi, he is not in possession of the agricultural land.

Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 provides that if a prisoner is in cultivating possession of his own land and/or an undivided agricultural land of his father, he can be considered for temporary release on parole for agricultural operations. In the present case, the District Magistrate, Rewari in his report dated 9.11.2006 has recommended the petitioner' s release on parole on the ground that his father owns 17 kanals and 2 marlas of agricultural land which has not been given on lease and that there is no other person except

the petitioner who can manage the agricultural pursuits.

From the above-noticed recommendations made by the District Magistrate, it is apparent that the petitioner's case squarely falls within the ambit of Section 3 (1) (c) of the 1988 Act. Consequently and for the reasons afore-stated, this petition is allowed; the impugned order dated 28.12.2006 (Annexure P-2) is quashed and the Director General of Prisons, Haryana is directed to reconsider the petitioner's case for temporary release on parole for agricultural purposes within a period of two months from the date of receipt of certified copy of this order.

January 22, 2007 **(SURYA KANT)**
poonam **JUDGE**